



SDMS DocID 2004752

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ORIGINAL
(Red)

DEC 12 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wyeth
Ronald J. Schott, Esq.
Senior Attorney, Environmental Affairs
Five Giralda Farms
Madison, NJ 07940

**Re: Follow-up 104(e) Request - Wyeth
Lower Darby Creek Area Superfund Site
Delaware and Philadelphia Counties, Pennsylvania**

Dear Mr. Schott:

The U.S. Environmental Protection Agency ("EPA") has received the response of Wyeth to its August 9, 2002 Information Request. Based on that response and information obtained by EPA as part of its continuing investigation, EPA is seeking additional information concerning the waste disposal activities of Sunoco in Philadelphia between 1958 and 1976.

EPA has reviewed your previous information request response dated October 30, 2002 and has determined that additional information and clarification is needed in order to complete its investigation. EPA hereby requests that Wyeth respond completely and timely to the information requested in Enclosure F to this letter.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), Wyeth is required to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above referenced facility.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.



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10/10/94

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter. The response must be signed by an authorized official of Wyeth. If, for any reason, you do not provide all information responsive to this letter, in your answer to EPA you must: (1) describe specifically what was not provided, (2) supply to EPA a clear identification of the document(s) not provided, and (3) provide to EPA an appropriate reason why the document(s) was not provided.

All documents and information should be sent to:

Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any question concerning this matter, please contact Carlyn Winter Prisk at (215) 814-2625 or you may have your attorney contact Brian Nishitani, Senior Assistant Regional Counsel, at (215) 814-2675.

Sincerely,



Joan Armstrong, Chief
PRP Investigation and
Site Information Section

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure C: List of Contractors that May Review Your Response
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Information Requested

cc: Brian Nishitani , Esq. (3RC44)
 Carlyn Prisk (3HS11)
 April Flipse (PADEP)
 Craig Olewiler (PADEP)



Enclosure A



Enclosure B

List of Contractors That May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
- Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is:
Eagle Instruments, Inc.
- Ecology and Environment, Inc. -
Contract #68-S3-0001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
- IT Corporation -
Contract #68-S3-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
- Earth Tech, Inc. -
Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
- Guardian Environmental Services, Inc. -
Contract #68-S3-99-04
- ECG Industries, Inc. -
Contract# 68-S3-99-05
Subcontractor to ECG Industries, Inc. is:
Earth Tech, Inc.

Industrial Marine Services, Inc. -
Contract #68-S3-99-06
Subcontractors to Industrial Marine
Services, Inc. are:
Earth Tech, Inc.
Engineering and Environment, Inc.
- Tetra Tech NUS Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS Inc.
are:
Gannett Fleming, Inc.
Dynamic Corporation
C. C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Horne Engineering
Pacific Environmental Services
- Black and Veatch Waste Science and
Technology Corporation/Tetra Tech,
Inc. - Contract #68-S7-3002
- Universe Technologies -
Contract #68-S3-99-02
- Tech Law, Inc. -
Contract #68-W-00-108

List of Cooperative Agreements

- National Association of Hispanic
Elderly - #CQ-822511
- AARP Foundation (Senior
Environmental Employment) -
#824021
#823952



Enclosure C

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (see Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for agency personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. § 9604(e)(7) and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in the attachment, you must notify EPA in writing at the time you submit such documents.



Enclosure D

Definitions

- The term “arrangement” shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term “documents” shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term “hazardous substance” means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term “pollutant or contaminant” shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food



chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.



Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure C, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.



Information Requested

1. Regarding Wyeth's response to Question 3 of EPA's August 9, 2002 Information Request, for each of the following current and former employees, please provide a written interview statement: Harold Loughhead, Thomas Hershey, William Donald Lane, and Edward R. Chambers.
2. Regarding Wyeth's responses to Question 5, 6, and 7 of the August 9, 2002 Information Request, if any documents solicited with respect to the Folcroft Landfill or Annex are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, please provide the following:
 - a) Wyeth's document retention policy;
 - b) A description of how the records were/are destroyed (burned, archived, trashed, etc.) And the approximate date of destruction;
 - c) A description of the type of information that would have been contained in the documents; and,
 - d) The name, job title, and most current address known to you or the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.
3. Regarding Wyeth's response to Question 8, Wyeth states "upon information and belief, that one or more of the Wyeth establishments in the Philadelphia, Pennsylvania area between 1958 and 1976 may have contracted with or made arrangements with Tri-County Hauling, Marvin Jonas or Jonas Waste Removal, and/or ABM Disposal Services Company for the removal or disposal of waste between 1958 and 1976."
 - a) Please state the basis for Wyeth's belief that it may have arranged for shipment of wastes by these companies;
 - b) Please also provide a written interview statement and the name, address, and telephone number of any individual on which Wyeth relied in making this assertion; and,
 - c) If any of the documents solicited herein are no longer available, please provide all of the information requested in Question 2, subparts a through d, above.
4. Please provide the name, title, area of responsibility, address, and telephone number and written interview statement (if one exists) of each individual who managed Wyeth's waste disposal practices in its Philadelphia area facilities between 1958 and 1976.





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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

AUG 09 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wyeth, Inc.
5 Giralda Farms
Madison, NJ 07940

Attention: Robert Essner, President CEO

Re: Required Submission of Information
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill,
and Folcroft Landfill Annex

Dear Mr. Essner:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site").

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A). The Site also includes contaminated portions of areas along Darby Creek downstream as well as a portion of a 3500-acre tidal marsh.

EPA has reason to believe that wastes generated at locations owned or operated by Wyeth, Inc. may have been transported to and disposed of at the Site, specifically at Clearview, Folcroft, and Folcroft Annex. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require Wyeth, Inc. (hereinafter "you"), to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants

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and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen (15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

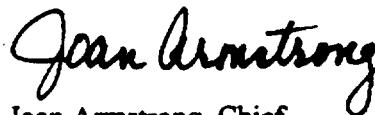
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,

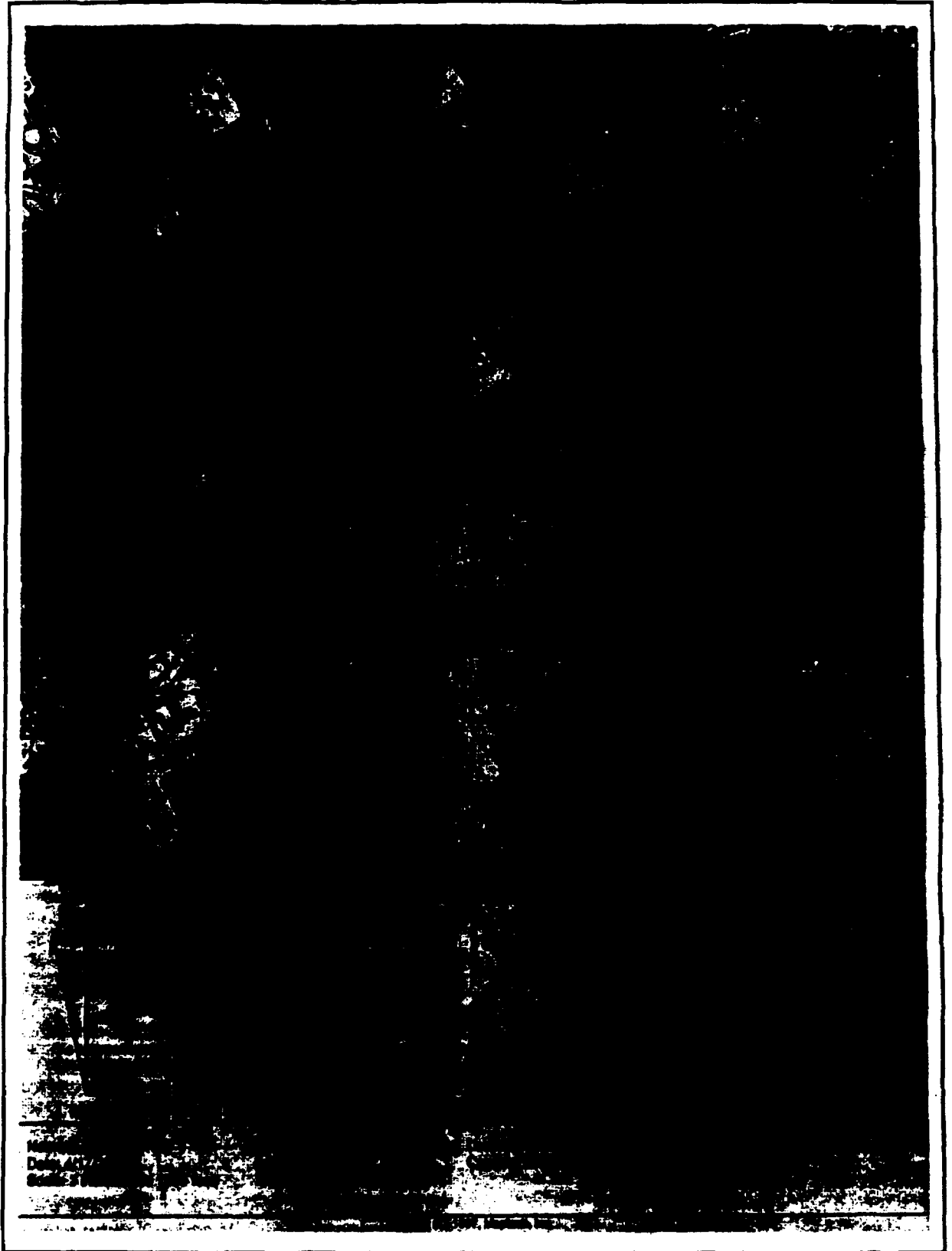


Joan Armstrong, Chief
PRP Investigation and
Site Information Section

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure C: List of Contractors that May Review Your Response
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Questions

cc: Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel
 Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager
 Mr. Craig Olewiler Pennsylvania Department of Environmental Protection
 Ms. April Flipse Pennsylvania Department of Environmental Protection

Enclosure A



Enclosure B

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

Enclosure C

List of Contractors That May Review Your Response

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Contract #68-S3-0002
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- Ecology and Environment, Inc. -
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Contract #68-S3-00-06
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Environmental Restoration Company
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Hertz Equipment Rental
- Guardian Environmental Services, Inc. -
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- ECG Industries, Inc. -
Contract# 68-S3-99-05
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- Tetra Tech NUS Inc. -
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Dynamic Corporation
C. C. Johnson & Malhotra, P.C.
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Robert Kimball & Associates
PMA & Associates
Horne Engineering
Pacific Environmental Services
- Black and Veatch Waste Science and
Technology Corporation/Tetra Tech,
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- Universe Technologies -
Contract #68-S3-99-02
- Tech Law, Inc. -
Contract #68-W-00-108

List of Cooperative Agreements

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Elderly - #CQ-822511
- AARP Foundation (Senior
Environmental Employment) -
#824021
#823952

Enclosure D

Definitions

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- The term "**hazardous substance**" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

QUESTIONS

1. State the name of your company, its mailing address, and telephone number. Further identify:
 - a. The dates and states of incorporation of your company;
 - b. The date and original state of incorporation of your company; and
 - c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.
2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.
3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:
 - a. The dates of their operation;
 - b. The nature of their operation; and
 - c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).
5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
 - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
 - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.
6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:
- a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
 - c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;
 - d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
 - e. The types and sizes of containers in which these substances were transported and stored; and
 - f. The persons or companies that supplied each such hazardous substance to your company.
7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:
- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;

- c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
 - e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
 - f. The location and method of treatment and/or disposal of each such by-product or waste.
8. Did Wyeth, Inc. ever contract with, or make arrangements with any of the following entities, for the removal or disposal of waste from your facilities/establishments in the Philadelphia area between 1958 and 1976:
- a. Folcroft Landfill Corporation;
 - b. Bernie McNichol;
 - c. Edward Mullin;
 - d. Clearview Land Development Corporation;
 - e. Edward or Richard Heller;
 - f. Tri-County Hauling;
 - g. Eastern Industrial Corporation;
 - h. Marvin Jonas or Jonas Waste Removal;
 - i. Bernard McHugh or McHugh Trash Company;
 - j. S. Buckley (ey) Trash Hauling;
 - k. City Wide Services, Inc.;
 - l. Gene Banta of Gene Banta Trash Removal;
 - m. Schiavo Brothers;
 - n. Charles Crumley or Crumley Waste;
 - o. Harman or Harway Trash;
 - p. Oil Tank Lines;
 - q. Paolino Company;
 - r. Charles Crawley Waste Hauling;
 - s. Ed Lafferty and Son;
 - t. Bazzarie Trash Company;
 - u. Sparky Barnhouse or ABM Disposal Services Company; and
 - v. Any other individual, company, or municipality.
9. For each of the above identified entities with whom Wyeth, Inc. contracted or made arrangements with for waste removal and/or disposal, please identify the following:
- a. The person with whom you made such a contract or arrangement;
 - b. The date(s) on which or time period during which such material was removed or transported for disposal;

- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - d. The annual quantity (number of loads, gallons, drums) of such material;
 - e. The manner in which such material was containerized for shipment or disposal;
 - f. The location to which such material was transported for disposal;
 - g. The person(s) who selected the location to which such material was transported for disposal;
 - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and
 - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.
10. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:
- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
 - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
 - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.
11. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. The date(s) on which such material was disposed of or treated at the Site;
 - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - c. The annual quantity (number of loads, gallons, drums) of such material;
 - d. The specific location on the Site where such material was disposed of or treated; and

- e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.
12. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
 - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
 - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
 - d. The packaging, transportation, and final disposition of the materials which were spilled/released.
13. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.
14. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.
15. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.
16. Representative of your establishment(s):
- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number; and relationship to the company.

- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.
- 17. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
 - a. Your document retention policy;
 - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents; and
 - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

ORIGINAL
10/30/02

COPIES

Wyeth

Five Giralda Farms
Madison, NJ 07940

Ronald J. Schott, Esq.
Senior Attorney
Environmental Affairs
973-660-6641 tel
973-660-7176 fax

October 30, 2002

VIA OVERNIGHT MAIL

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

0000010002

**RE: Required Submission of Information
Lower Darby Creek Area Superfund Site
Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex**

Dear Ms. Prisk:

Enclosed please find Wyeth's response to the August 9, 2002 correspondence from Ms. Joan Armstrong of the United States Environmental Protection Agency ("USEPA") Region III Office, to the attention of Mr. Robert Essner, President and CEO of Wyeth regarding the Clearview Landfill, Folcroft Landfill and Folcroft Landfill Annex portions of the Lower Darby Creek Area Superfund Site (the "Site"), which correspondence has been forwarded to me for response. Please note that, based on discussions with Brian Nishitani, Esq., USEPA office of Regional Counsel, Wyeth was granted up to, and including, October 31, 2002 to provide this response.

Wyeth is responding to USEPA's Required Submission of Information regarding the Site with respect to its "Philadelphia, Pennsylvania area" establishments. For the purposes of this response, we have limited the subject Wyeth establishments to those located within a fifty-mile radius of the Site and operated by Wyeth or its affiliates or subsidiaries (collectively, "Wyeth") in the time period of 1958 to 1976. As a result, this response addresses Wyeth's facilities located at: (i) Radnor, Pennsylvania; (ii) Malvern (also known as Great Valley), Pennsylvania; and (iii) West Chester, Pennsylvania. Please note that most, if not all, of the information provided in this response has been previously provided to USEPA in other Wyeth responses to USEPA requests for information.

Carlyn Winter Prisk
October 30, 2002
Page Two

Please note that the submission of this response shall not be construed as an admission of any fact or liability. Further, the submission of this response shall not be construed as a waiver of any rights or defenses available to Wyeth, its subsidiaries and/or affiliates whether statutory or otherwise at law. Wyeth also reserves the right to supplement this response should additional information become available.

If you have any questions or require any further information, please call me at 973-660-6641 at your convenience. Please address all future communications concerning this matter to my attention.

Very truly yours,



Ronald J. Schott

RJS/jp
Enclosures

cc: J. Alivernini, Esq.
G. Miller
G. Smith, Esq.
R. Taggart

QUESTIONS

QUESTION:

1. State the name of your company, its mailing address, and telephone number. Further identify:
 - a. The dates and states of incorporation of your company;
 - b. The date and original state of incorporation of your company; and
 - c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.

RESPONSE:

Name: Wyeth
Mailing Address: 5 Giralda Farms
Madison, New Jersey 07940
Telephone: 973-660-5000

a. and b. Wyeth was incorporated under the name of "American Home Products Corporation" on February 4, 1926 in the State of Delaware. On March 4, 2002 the name of the company was amended to Wyeth.

c. Wyeth objects to Question 1.c. as overbroad and beyond the scope of information authorized to be obtained pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). Without waiving said objections, Wyeth responds that it has no parent corporation and limits its response to Wyeth's domestic subsidiaries and other affiliated entities, which are set forth at Exhibit A, which is attached hereto and made a part hereof.

QUESTION:

2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.

RESPONSE:

In general, Wyeth is engaged in the discovery, development, manufacture, distribution and sale of pharmaceutical and consumer healthcare products including branded and generic human ethical pharmaceuticals, biologicals, nutritionals, animal

biologicals and pharmaceuticals, analgesics, cough/cold/allergy remedies, nutritional supplements, herbal products, and hemorrhoidal, antacid, asthma and other relief items sold over-the-counter.

A. Wyeth Pharmaceuticals, Radnor, Pennsylvania – The general business or activity at this location has been administrative offices and similar support activities related to the management and marketing of pharmaceutical products. This location has also been used for research and development of pharmaceutical products. There have been no significant changes to the nature of the business or activities from the period of 1958 to 1976. Currently, Wyeth no longer owns or operates this facility, however, most recently it has been used exclusively for administrative offices.

B. Wyeth Pharmaceuticals, Great Valley (Malvern), Pennsylvania – This facility has been used for the manufacturing and distribution of pharmaceutical products from and during the time frame of 1958 to 1976. More recently, the use has changed to office use and the facility is used exclusively for offices and as a data center.

C. Wyeth Pharmaceuticals, West Chester, Pennsylvania – During the period of 1958 to 1976 this facility was used in the manufacture of: (i) bulk and finished forms of various penicillins, (ii) various pharmaceutical organic entities, and (iii) dosage forms of various narcotics. Currently the only manufacturing at this facility is the preparation of dosage forms of sterile penicillin.

QUESTION:

3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.

RESPONSE:

Wyeth objects to Question 3 as vague, ambiguous, overbroad, unduly burdensome and beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA, particularly to the extent that it requires Wyeth to investigate the knowledge of persons who are not currently employed by Wyeth or a subsidiary or affiliate of Wyeth. Without waiving said objections and without speculating as to knowledge of persons currently or previously employed by a former subsidiary or affiliate of Wyeth, and except as otherwise set forth herein or in the Exhibits hereto, Wyeth states, upon information and belief, that the following individual(s) may have personal knowledge of the operations and waste disposal practices between 1958 and 1976 at the Wyeth facilities in the Philadelphia, Pennsylvania area:

ORIGINAL
(Red)

- A. Mr. Harold Loughhead - Last known address - [REDACTED] (Terminated: May 15, 1987)
- B. Mr. Thomas Hershey - Current Wyeth employee
- C. Mr. William Donald Lane - Current Wyeth employee
- D. Mr. Edward R. Chambers - Current Wyeth employee

QUESTION:

4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:

- a. The dates of their operation;
- b. The nature of their operation; and
- c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).

RESPONSE:

Wyeth objects to Question 4 as overbroad, unduly burdensome and beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA, particularly to the extent it requires Wyeth to investigate information not within its reasonable control or possession. Without waiving said objections, Wyeth states that it has been unable to identify any information responsive to Question 4.

QUESTION:

5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;

ORIGINAL
(Red)

- b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s) and any regulatory agencies regarding the transportation and disposal of such wastes; and
- c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.

RESPONSE:

a. Except as may be set forth in the documents enclosed at Exhibit B, which is attached hereto and made a part hereof, and many of which have previously been provided to USEPA, Wyeth has been unable to obtain information regarding a description of information related to documents which may have been generated or maintained by Wyeth establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant in other waste between 1958 and 1976. Further, Wyeth has been unable to locate any person who may be a custodian of any such documents other than those provided at Exhibit B.

b. Unknown. Wyeth has been unable to obtain information regarding any permits or permit applications and any correspondence between Wyeth and any regulatory agencies regarding the transportation and disposal of such wastes between 1958 and 1976.

c. See Exhibit B.

QUESTION:

6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:

- a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
- c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;

- 07/11/01
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- d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
 - e. The types and sizes of containers in which these substances were transported and stored; and
 - f. The persons or companies that supplied each such hazardous substance to your company.

RESPONSE:

Wyeth generally objects to Questions 6 and 6(a) – 6(f) as vague, overbroad and beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA. Without waiving said objections, and except as may otherwise be set forth herein or in the Exhibits hereto, Wyeth states that for the time period of 1958 to 1976 it has been unable to locate any MSDS for hazardous substances used, generated, purchased, stored or otherwise handled at the Wyeth establishments in the Philadelphia, Pennsylvania area. Responding further, Wyeth states, with respect to such hazardous substances, it has been unable to identify information responsive to Questions 6(a) - 6(f).

QUESTION:

7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:

- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;
- c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
- d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
- e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
- f. The location and method of treatment and/or disposal of each such by-product or waste.

RESPONSE:

Wyeth objects to Questions 7 and 7(a)-7(f) as vague, overbroad unduly burdensome, and beyond the scope of information authorized to be obtained by USEPA pursuant to Section 104(e)(2). Without waiving said objections and except as may otherwise be set forth herein or in the Exhibits hereto, Wyeth states that it has been unable to locate any information regarding by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by the Wyeth establishments in the Philadelphia, Pennsylvania area between 1958 and 1976. Responding further, Wyeth states, with respect to such by-products or wastes, and except as may otherwise be set forth herein or in the Exhibits hereto, Wyeth has been unable to identify any information responsive to Questions 7(a)-7(f).

QUESTION:

8. Did Wyeth, Inc. ever contract with, or make arrangements with any of the following entities, for the removal or disposal of waste from you facilities/establishments in the Philadelphia area between 1958 and 1976:

- a. Folcroft Landfill Corporation;
- b. Bernie McNichol;
- c. Edward Mullin;
- d. Clearview Land Development Corporation;
- e. Edward or Richard Heller;
- f. Tri-County Hauling;
- g. Eastern Industrial Corporation;
- h. Marvin Jonas or Jonas Waste Removal;
- i. Bernard McHugh or McHugh Trash Company;
- j. S. Buckly (ey) Trash Hauling;
- k. City Wide Services, Inc.;
- l. Gene Banta of Gene Banta Trash Removal;
- m. Schiavo Brothers;
- n. Charles Crumley or Crumley Waste;
- o. Harman or Harway Trash;
- p. Oil Tank Lines;
- q. Paolino company;
- r. Charles Crawley Waste Hauling;
- s. Ed Lafferty and Son;
- t. Bazzarie Trash Company;
- u. Sparky Barnhouse or ABM Disposal Services Company; and
- v. Any other individual, company, or municipality.

RESPONSE:

Wyeth objects to Question 8 as overbroad, unduly burdensome and beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA. Without waiving said objections, and in addition to other information contained herein or in the Exhibits hereto, Wyeth states, upon information and belief, that one or more of the Wyeth establishments in the Philadelphia, Pennsylvania area between 1958 and 1976 may have contracted with or made arrangements with Tri-County Hauling, Marvin Jonas or Jonas Waste Removal, and/or ABM Disposal Services Company for the removal or disposal of waste between 1958 and 1976. Further, Wyeth refers USEPA to Exhibit B.

QUESTION:

9. For each of the above-identified entities with which Wyeth, Inc. contracted or made arrangements with for waste removal and/or disposal, please identify the following:

- a. The person with whom you made such a contract or arrangement;
- b. The date(s) on which or time period during which such material was removed or transported for disposal;
- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
- d. The annual quantity (number of loads, gallons, drums) of such material;
- e. The manner in which such material was containerized for shipment or disposal;
- f. The location to which such material was transported for disposal;
- g. The person(s) who selected the location to which such material was transported for disposal;
- h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom you establishment dealt concerning removal of transportation of such material; and
- i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in you possession regarding arrangements made to remove or transport such material.

RESPONSE:

Wyeth objects to Questions 9 and 9(a) – 9(i) as overbroad, unduly burdensome and beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA. Without waiving said objections and in addition to information that may otherwise be set forth herein, Wyeth refers USEPA to Exhibit B.

QUESTION:

10. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:
- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
 - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
 - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.

RESPONSE:

Wyeth objects to Questions 10 and 10(a) – 10(c) as vague, ambiguous, overbroad, unduly burdensome and beyond the scope of information authorized to be obtained by USEPA pursuant to Section 104(e)(2) of CERCLA. Without waiving said objections and except as may otherwise be set forth herein or in the Exhibits hereto, Wyeth states that it has been unable to obtain information responsive to Questions 10 and 10(a) – 10(c).

QUESTION:

11. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. The date(s) on which such material was disposed of or treated at the Site;
 - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - c. The annual quantity (number of loads, gallons, drums) of such material;

- d. The specific location on the Site where such material was disposed of or treated; and
- e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.

RESPONSE:

Wyeth objects to Questions 11 and 11(a) – 11(c) as overbroad, unduly burdensome, and beyond the scope of information authorized to be obtained by USEPA pursuant to Section 104(e)(2) of CERCLA. Without waiving said objections and except as may otherwise be set forth herein or in the Exhibits hereto, Wyeth states that it has been unable to obtain any information that is responsive to Questions 11 and 11(a) – 11(e).

QUESTION:

- 12. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
 - a. The date(s) the spill(s)/release(s) occurred;
 - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
 - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
 - d. The packaging, transportation, and final disposition of the materials which were spilled/released.

RESPONSE:

Wyeth objects to Question 12 as overbroad, unduly burdensome and beyond the scope of information authorized to be obtained by USEPA pursuant to Section 104(e)(2) of CERCLA. Without waiving said objections and except as might otherwise be set forth herein or in the Exhibits hereto, Wyeth states that to its knowledge, Wyeth is not aware that any of the Wyeth establishments, or any other company or individual spilled or caused a release of any chemicals, hazardous substances, and/or hazardous waste, and/or hazardous waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the site. Consequently, Questions 12(a) – 12(d) are not applicable.

QUESTION:

13. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.

RESPONSE:

Wyeth objects to Question 13 as being vague, ambiguous, overbroad and beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA, particularly to the extent Wyeth would be required to investigate the knowledge of persons who are not currently employed by Wyeth or a subsidiary or affiliate of Wyeth. Without waiving said objections and except as may otherwise be set forth in herein or in the Exhibits hereto, Wyeth states that it has been unable to identify information responsive to this request.

QUESTION:

14. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.

RESPONSE:

Unknown.

QUESTION:

15. If you have any information about other parties who may have information, which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

RESPONSE:

Except as may otherwise be set forth herein or in the Exhibits hereto, Wyeth has been unable to locate any information responsive to Question 15.

QUESTION:

16. Representative of your establishment(s):

- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.
- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.

RESPONSE:

- a. Mr. Robert Taggart
Wyeth – Manager, Environmental Affairs
100 Campus Drive
Florham Park, New Jersey 07932

John Alivernini, Esq.
Wyeth Pharmaceuticals
Radnor-Chester Road
St. David's, Pennsylvania 19087

Mr. Glenn Miller
Wyeth Pharmaceuticals
611 E. Nield Street
West Chester, Pennsylvania 19382

- b. Ronald J. Schott, Jr.
Wyeth – Senior Attorney
5 Giralda Farms
Madison, New Jersey 0740

QUESTION:

17. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. Your document retention policy;

- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
- c. A description of the type of information that would have been contained in the documents; and
- d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

RESPONSE:

Wyeth objects to Questions 17 and 17(a) – 17(d) as overbroad, unduly burdensome and beyond the scope of information authorized to be obtained by USEPA pursuant to Section 104(e)(2) of CERCLA, particularly to the extent they seek information for the period 1958 to 1976. Without waiving said objections, Wyeth refers USEPA to Exhibit C, which contains a copy of Wyeth Pharmaceuticals most recent document retention policy and which is attached hereto and made a part hereof. Please note that Wyeth claims Exhibit C as Business Confidential and requests Confidential Business Information treatment by USEPA.

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| Sent To | <i>Myeth-Conrad Schell, Esq</i> |
| Street, Apt. No.; or PO Box No. | <i>5 Giraldo Farms</i> |
| City, State, ZIP+4 | <i>Madison, IN 47040</i> |